

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 328

July 25, 1995, 12:36 p.m.  
Page S-10599 Temp. Record

## LOBBYING REFORM/Final Passage

**SUBJECT:** Lobby Disclosure Act of 1995 . . . S. 1060. Final passage, as amended.

**ACTION: BILL PASSED, 98-0**

**SYNOPSIS:** As amended and passed, S. 1060 would provide for greater disclosure of lobbying activities. Details include those listed below.

Definitions include the following:

- the term "client" will mean one who employs or retains someone for lobbying activities;
- the term "lobbyist" will mean an individual who is employed or retained for services that will include more than 1 lobbying contact and who will spend 20 percent or more of his or her time in providing services on lobbying activities;
- "covered executive branch officials" will include political appointees, including Schedule C employees, but will not include Senior Executive Service employees;
- "covered legislative branch officials" will include Members, elected officers of Congress, employees of Members, committees, joint committees, working groups or other organizations to help Members, leadership staff, and any other employee described under section 109(13) of the Ethics in Government Act;
- the term "employee" will not apply to independent contractors or volunteers;
- the term "lobbying activities" will mean lobbying contacts and efforts in support of such contacts; as amended, the section stating that lobbying activities will include certain grassroots activities was deleted (see vote No. 324);
- the term "lobbying contact" will be defined as an oral or written communication to a covered executive or legislative branch official regarding: a) the formulation, modification, or adoption of Federal legislation; b) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the Federal Government; c) the administration or execution of a Federal program; and d) the nomination or confirmation of a person subject to Senate confirmation; and
- 19 exemptions will be made to the definition of the term "lobbying contact," including exemptions for religious institutions

(See other side)

YEAS (98)				NAYS (0)		NOT VOTING (2)	
Republican (53 or 100%)		Democrats (45 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1)	Democrats (1)
Abraham	Hutchison	Akaka	Inouye			Bennett- <sup>2</sup>	Graham- <sup>4AY</sup>
Ashcroft	Inhofe	Baucus	Johnston				
Bond	Jeffords	Biden	Kennedy				
Brown	Kassebaum	Bingaman	Kerrey				
Burns	Kempthorne	Boxer	Kerry				
Campbell	Kyl	Bradley	Kohl				
Chafee	Lott	Breaux	Lautenberg				
Coats	Lugar	Bryan	Leahy				
Cochran	Mack	Bumpers	Levin				
Cohen	McCain	Byrd	Lieberman				
Coverdell	McConnell	Conrad	Mikulski				
Craig	Murkowski	Daschle	Moseley-Braun				
D'Amato	Nickles	Dodd	Moynihan				
DeWine	Packwood	Dorgan	Murray				
Dole	Pressler	Exon	Nunn				
Domenici	Roth	Feingold	Pell				
Faircloth	Santorum	Feinstein	Pryor				
Frist	Shelby	Ford	Reid				
Gorton	Simpson	Glenn	Robb				
Gramm	Smith	Harkin	Rockefeller				
Grams	Snowe	Heflin	Sarbanes				
Grassley	Specter	Hollings	Simon				
Gregg	Stevens		Wellstone				
Hatch	Thomas						
Hatfield	Thompson						
Helms	Thurmond						
	Warner						

### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

and for most Federal, State, and local public officials acting in their official capacity.

Registration of lobbyists:

- within 45 days of making a lobbying contact, a lobbyist or, if applicable, the lobbying organization for which he or she works, will register with the Secretary of the Senate and the Clerk of the House of Representatives; registration will not be required, however, for matters related to lobbying activities on behalf of a particular client that do not exceed or are not expected to exceed \$5,000 in a 6-month period, nor will it be required for an organization whose employees lobby on its behalf if total expenses in connection with that lobbying do not exceed or are not expected to exceed \$20,000 in a 6-month period;

Registration information will include information:

- on the lobbyist;
- on the lobbyist's client;
- on any organization that contributes more than \$10,000 in a semiannual period to the registrant's lobbying activities and in whole or in part plans, supervises, or controls such activities;
- on any foreign entity that contributes more than \$10,000 in a semiannual period to the registrant's lobbying activities if that entity has at least a 20 percent equitable ownership in the client, directly or indirectly controls the client, or is an affiliate of the client with a direct interest in the outcome of the lobbying; and
- on the general and specific issues that have been and will be pursued.

Semiannual reports by registrants will be filed with the Secretary of the Senate and the Clerk of the House by lobbyists; information in those reports will include the following:

- an estimate, to the nearest \$20,000, of the total income and total expenses for each client, except that income or expenses of less than \$10,000 for a client will be noted;
- if applicable, a list of employees who act as lobbyists for a registrant;
- a list for each client of the specific issues upon which the registrant engaged in lobbying activities; and
- a statement on which Houses of Congress and which Federal agencies were contacted when lobbying for each client.

Gifts:

- Gifts by lobbyists, lobbying firms, and agents of foreign principals to Members, elected officers of either House, and any employee of any Member or committee will be illegal;
- the term "gift" will be defined broadly, to encompass such items as contributions to legal defense funds and most charitable contributions made by a lobbyist on the recommendation of a Member or employee;
- a political contribution under the Federal Election Campaign Act will not be defined as a gift; and
- gifts given for certain personal or family reasons will not be forbidden.

Administration:

- the Secretary of the Senate will develop common standards, rules, and procedures for compliance with this Act;
- will make records readily available to the public;
- will provide written notice to registrants who may be in noncompliance; and
- will notify the United States Attorney for the District of Columbia if a registrant does not appropriately respond to a notice within 60 days.

Enforcement:

- a civil penalty of up to \$50,000 may be imposed for failing to remedy a defective filing within 60 days of being given notice or for otherwise violating the provisions of this Act.

Miscellaneous:

- a 501(c)(4) tax-exempt organization "which engages in lobbying shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form" (see vote Nos. 325-326);
- Members will be required to provide more detailed financial disclosure statements on their assets;
- Members will be required to disclose the total cash values, if known, of any interests they have in qualified blind trusts;
- the Ramspeck Act (allowing congressional employees to circumvent civil service procedures to gain employment and civil service status) will be repealed; and
- United States Trade Representatives and Deputy United States Trade Representatives will be barred from representing or advising foreign entities after their service, and people who have represented foreign entities in trade disputes with the United States will not be appointed to be a United States Trade Representative or a Deputy United States Trade Representative.

**Those favoring** final passage contended:

The Lobbying Registration Act was passed in 1946 in an effort to make public who was being paid how much by whom to lobby Congress on what issues. By 1948, loopholes in that law were being so heavily exploited that President Truman called for reforms. Over the next 50 years, numerous reform efforts have been made, but have failed for one reason or another. Last year, Congress neared success, but the bill foundered at the last minute due to provisions which were added in conference by House Members on

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grassroots lobbying. Some of us thought that those so-called grassroots reforms were an effort to stifle the free speech rights of certain citizen groups in particular, while others thought that those reforms were legitimate. Regardless, that controversy prevented passage last year.

As amended, though, we are certain that this bill will strike the right balance. It will tighten up the registration and disclosure requirements for Washington-based lobbyists without infringing upon the rights of ordinary citizens at the grassroots level to petition their Government. The bill is probably not drafted exactly as each Senator would wish--there was some give and take to reach this acceptable compromise. On balance, though, it is praiseworthy. We are pleased to vote in favor of final passage, and we urge the House to adopt this bill without amendment so that we can get it enacted hopefully within a few days.

**No arguments were expressed in opposition to final passage.**